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CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to Mail Stop Petition, ATTN: Senior Petitions Attorney Christina Tartera Donnell, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on or before May 20, 2007.

4/18/07
Date

William L. King III
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Tonar et al.
Examiner : P. Tucker
Serial No. : 10/085,434
Group Art Unit : 1712
Confirmation No. : 4510
Filed : February 28, 2002
Attorney Docket No. : GEN-001323 C3
Title : ELECTROCHROMIC LAYER AND DEVICES
COMPRISING SAME

Mail Stop Petition
ATTN: Senior Petitions Attorney Christina Tartera Donnell
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED UPON

FAILURE TO RECEIVE OFFICE ACTION UNDER 37 C.F.R. §1.181

Dear Sir:

This communication is in response to the Notice of Abandonment mailed March 20, 2007, directed to the above-identified application, which indicated that Applicant failed to timely

file a proper response to the Office Action mailed August 25, 2006.

Applicant respectfully submits that the Office Action mailed August 25, 2006, identified in the Notice of Abandonment was never received. In particular, the undersigned herein attests that a search of the file jacket and docket records indicates that the original Office Action mailed August 25, 2006, was not received. Applicant further submits this is the third time a petition has been filed with the United States Patent and Trademark Office relative to the very same issue. Applicant submits previous Petitions to Withdraw Holding of Abandonment were filed on April 1, 2005, and May 15, 2006, for this case in response to the Notice of Abandonment mailed February 8, 2005. Applicant submits neither the Office Action that was previously mailed on June 2, 2004, nor the Office Action mailed August 25, 2006, were received.

Applicant has attached a print out of the docket record, Exhibit 1, for the above-identified file, indicating that no entry exists for the Office Action mailed August 25, 2006. For purposes of identification, the item identified as "A" is the serial number of the present case. The item identified as "B" is the case docket number. As can be seen by way of Item "C" no reply period exists in the docketing system because the Office Action was never received. The lack of any such data in this location indicates that the Office Action was not received.

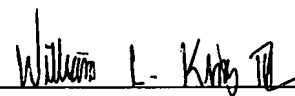
Applicant submits that it has taken all necessary steps to ensure the proper correspondence address has been recorded. Applicant has attached a copy of the Form PTO/SB/122, Exhibit 2, which was filed by Applicant on December 22, 2003. Applicant has further attached a copy of the return receipt postcard, Exhibit 3, which was stamped as received by the USPTO.

In light of the foregoing, Applicant respectfully requests that the present holding of abandonment be withdrawn, without fee, and further respectfully requests reinstatement of the above-identified patent application in accordance with 37 C.F.R. §1.181.

Should anything further be required, or if the Senior Petitions Attorney has any remaining questions or concerns relative to the presently renewed petition, a telephone call to the undersigned, at (616) 355-0400, is respectfully requested in order to proceed with issuance of the present application in a timely manner.

Respectfully submitted,
KING & PARTNERS, PLC

Dated: 4/18/07



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